

**MINUTES OF THE ZONING BOARD PUBLIC
HEARING & REGULAR MEETING ON MONDAY,
DECEMBER 3, 2012, 7:00 P.M., 4TH FLOOR,
CAFETERIA, STAMFORD, CONNECTICUT**

Present for the Board: Tom Mills, Chairman, Barry Michelson, Harry Parson, Maria Nakian, Audrey Cosentini, and Kathleen Donahue. Present for staff: Norman F. Cole, Land Use Bureau Chief

Mr. Mills called the meeting to order at 7:12 p.m.

Mr. Michelson moved to change the order of the agenda. Mrs. Cosentini seconded the motion and it passed with the eligible members present voting, 5-0 (Mills, Michelson, Cosentini, Nakian and Parson).

REGULAR MEETING

OLD BUSINESS

1. **APPL. 208-05 ANTARES HARBOR POINT**, General Development Plan, Condition #7, 14 Acre Working Boatyard and Full Service Marina status updates, Cease & Desist Order and requested items.

Attorney Jim Minor presented his opinion regarding the question whether BLT was required to submit a “market study needs analysis” before demolishing boatyard. His conclusion was no, that this requirement of the SRD-S regulations (Section 9-J-4-d) only applies when an applicant is requesting approval to amend the General Development Plan to eliminate a water dependent use. BLT’s action was in violation of the GDP and the Zoning Board has issued a Cease & Desist.

Mr. Mills asked if the Zoning Board members had questions about the remediation/sheet-piling information mailed out.

Attorney Minor noted that Joe Capalbo, Corporation Counsel, recommends the Zoning Board not attempt to regulate the remediation, that to do so might expose the City to liability.

Mrs. Cosentini and Mr. Michelson commented that BLT’s plan to undertake a partial removal of “hot spots” was inconsistent with their state permit.

Mr. Mills asked the Applicant to address this question. Attorney John Freeman, for the Applicant, said the DEEP COP and Army Corps of Engineers permit are for the sheet-piling work, not soil remediation, and they propose to complete the entire sheet piling work. He pointed out that The Board had objected to full remediation so they have proposed Step One to remove the most contaminated areas (hot spots). They will complete Step One in 60-days, then will ask the Zoning Board to allow them to proceed further.

Rob Danielson explained the sheet-piling plan will take 100 working days. In addition, it would take 90-days to do all hot spots on the 14-acre site including those on the interim boatyard portion. It would take an additional 120 days to complete full remediation of the 14-acre site.

Mrs. Cosentini said she wants remediation of the whole site without any buildings to cap the soils.

Mr. Mills called a 15 minute recess and resumed the meeting at 8:30pm.

Mr. Michelson asked Attorney Minor if he had asked BLT if they would agree to withdraw the ZBA appeal? Attorney Minor said he had not asked BLT this question and believed that there position was that they would agree to delay the appeal in hopes that it eventually became moot. Mr. Michelson asked Attorney Minor to ask BLT to withdraw the ZBA appeal and he agreed to do so.

Mrs. Cosentini moved to resume the public hearings. Mr. Michelson seconded the motion and it passed with the eligible members present voting, 5-0 (Mills, Michelson, Cosentini, Nakian and Parson).

PUBLIC HEARINGS

1. **APPL. 212-25 – BBSF, LLC and Affordable Housing Development Company, LLC, Text Change,** to Amend Article III, Section 9.BB.5.f by altering the minimum residential off-street parking requirement in the Transportation Center Design District (TCDD). One space for each unit one bedroom or less, 1.25 spaces per unit for each unit two or more bedrooms (*continued from November 26, 2012*).
2. **APPL. 212-26 – BBSF, LLC & Affordable Housing Development Company, LLC, GDP Amendment and Coastal Site Plan Review,** Amend previously approved General Development Plan for Metro Green TOD; principle changes include an increase in the total number of residential units from 238 to 255; a reduction in size (both in stories and units) of Building A; a new three-story Building D and an increase in the total number of BMR units on site (*continued from November 26, 2012*).

Mr. Mills opened the Public Hearing on this matter and said it was a continuation of the Public Hearing from November 26, 2012.

Attorney William Hennessey summarized the applications for the text change and the GDP amendment and Coastal Site Plan Review. He explained that the applicant has submitted a letter to Ernie Orgera asking the City to remove two on-street loading zones in order to increase on-street parking. He then passed out and described the variety of transportation services available at the Transportation Intermodal Center.

Ms. Donahue asked if “zip cars” were an option and Attorney Hennessey replied yes.

Attorney Hennessey said visitor parking will be addressed by management and that they plan to develop a system for issuing guest passes key cards for visitors to park in the garage.

Mr. Mills asked if the Board Members had any questions.

Ms. Donahue asked how the parking requirement would change if one-bedroom units were required to provide 1.25 parking spaces. Attorney Hennessey answered that the current parking requirement would only be reduced by 5 spaces, compared to a reduction of 46 spaces if one-bedroom units were included in the 1.0 space requirement. Ms. Donahue asked if Building C would have too far a walk to the garage and whether the distance would encourage them to try to park on Henry Street? Attorney Hennessey pointed out the walking path from Building C to the garage.

Mr. Mills commented that development of a visitor parking pass program was a good idea.

Mr. Mills called for any questions or comments from the Public.

Terry Adams, Board of Representative and South-end NRZ Chairman gave an overview of and logistics of parking on-site versus street parking and discussed outstanding Washington Boulevard and Henry Street construction. He gave the NRZ's view of what had been agreed to regarding parking when the project first began.

Attorney Hennessey said that they can re-stripe the garage to make more spaces, if needed, and that they will develop the guest parking program.

Mr. Mills closed the Public Hearing at 9:25pm.

Mr. Mills called a brief recess at 9:25 pm and called the meeting back to order at 9:45 pm.

Mrs. Cosentini moved to return to the regular meeting. Mr. Parson seconded the motion and it passed with the eligible members present voting, 5-0 (Mills, Michelson, Cosentini, Nakian and Parson).

Mrs. Cosentini moved to take up old business. Mr. Parson seconded the motion and it passed with the eligible members present voting, 5-0 (Mills, Michelson, Cosentini, Nakian and Parson).

OLD BUSINESS

1. **APPL. 208-05 ANTARES HARBOR POINT**, General Development Plan, Condition #7, 14 Acre Working Boatyard and Full Service Marina status updates, Cease & Desist Order and requested items.

Mr. Mills polled the Zoning Board members' position on allowing remediation of the boatyard property.

Mr. Parson expressed support for allowing them to complete the remediation of the entire property.

Mrs. Nakian said that she would prefer to wait until a land use plan has been approved for the site, but noted that the remediation doesn't preclude reestablishing the original Boatyard because the same remediation standard applies to any commercial or industrial use. She commented that full remediation might interfere with operation of the interim Boatyard.

Mr. Michelson said that he supports doing sheet-piling work and remediation of the "hot spots".

Mrs. Cosentini said that she supports just the sheet-piling and would only support remediation if they were doing the entire site.

Mr. Mills said that he agreed with Mr. Michelson's position to replace the bulkheads and remediate the hot spots, but that they should include the hot spots within the interim boatyard as long as the work was completed in time for the interim boatyard to open April 1, 2013.

Mrs. Nakian said that she could support this position as long as BLT can complete the work in time for an April 1, 2013 opening of the interim boatyard.

Mr. Mills noted that the majority of the Board appeared to support hot spot remediation and sheet-piling work with Mr. Parson opposed and asking that the entire property be remediated.

Mr. Michelson moved to approve the draft motion as amended to allow hot spot remediation of the entire site and sheet-pile replacement. Mrs. Nakian seconded the motion and it passed with the eligible members present voting, 4-1 (Mills, Michelson, Cosentini, Nakian in favor and Parson opposed).

The approved resolution to read as follows:

WHEREAS, Strand/BRC Group LLC is the record owner of the premises located at Dyke Lane and at the foot of Washington Blvd referred to as the 14 acre boatyard, in Stamford, Connecticut, which was occupied by a boatyard known as Brewer's Yacht Haven Boatyard and Marina.

WHEREAS, the Zoning Board requested the Zoning Enforcement Officer to issue a Cease and Desist order against Strand/BRC Group LLC, the owner of the premises 14 acre peninsula to enforce various resolutions in January 23, 2012 and May 21, 2012 to "to cease all construction activities on the boatyard property and to perform no alterations to the property, including removal or deposition of any soils, until the Zoning Board has received and approved an application pursuant to Section 9-J-4-d of the SRD-S regulations and an application for Coastal Site Plan Review, and to submit a plan to reestablish a working boatyard/marina, as required by the Harbor Point zoning approval";

WHEREAS, a Cease and Desist order dated July 16, 2012 was issued by the Zoning Enforcement Officer, James J. Lunney, III to Strand/BRC Group LLC and the terms of such Cease and Desist order (Ex. A) are incorporated by reference as if fully set forth herein;

WHEREAS, the owner has applied for permission to amend the Cease and Desist order in order to perform remediation of pollution on the 14 acre former boatyard under state and federal permits defining the scope of such remediation,

NOW THEREFORE, the Zoning Board resolves to direct the Zoning Enforcement Officer to amend the Cease and Desist order (Ex. A) to allow such remediation work under the following conditions:

1. The approved scope of work is limited to the work described in the correspondence from Fuss & O'Neill, dated 10/9/2012, 11/21/2012 and the Project Narrative, dated 11/29/2012 and the scope described in the following permits:

- a. Permit issued by Connecticut DEEP dated June 11, 2010 Certificate of Permission #201001317—KB, and
- b. Permit issued by the Army Corps of Engineers, dated January 18, 2012, Permit Number NAE – 2008 -190

2. In addition to the work described in 1 above, the four “hot spots” within the interim boatyard shall also be remediated first and all work completed and the boatyard facility operational by April 1, 2013.

3. All conditions of the permits issued by the Connecticut DEEP dated June 11, 2010 Certificate of Permission #201001317—KB, and the Army Corps of Engineers, dated January 18, 2012, Permit Number NAE – 2008 -190 shall be strictly complied with.

4. Applicant shall stake out all work areas subject to review and approval by the Land Use Bureau prior to commencing any work on site.

5. Applicant shall notify the Land Use Bureau 48 hours prior to starting any work on the site.

6. Land Use Bureau shall review the location of designated stock pile areas and S&E controls prior to the start of work.

7. The Law Department shall continue to enforce the Cease & Desist, which remains in full force and effect, but allows this limited scope of work. The owner is permitted under the Cease & Desist to undertake only the approved scope. If there is any deviation from the approved scope, the Law Department will immediately enforce the existing Cease & Desist to stop all work at the site.

8. This resolution does not in any way constitute a tacit approval of any application of the owner to seek authorization under the Zoning Regulations and General Development Plan to

change the water-dependent use of the boatyard to a non-water-dependent use such as a corporate office building.

9. Temporary facilities shall be provided for emergency lifting and hauling during the remediation period.

Skip Gardella's letter describing the plan to operate the interim boatyard in the off-season was discussed and the applicant was asked to provide data of demand for fuel during the off-season to determine whether staffing the fuel dock one-half day per week was sufficient.

NEW BUSINESS

Meeting schedule for 2012-13. Following brief discussion of the draft schedule, Mr. Michelson moved to approve the schedule provided that December 23, 2013 is eliminated, seconded by Mrs. Nakian and unanimously approved, 5 to 0. (Mills, Michelson, Cosentini, Nakian and Parson).

Mr. Michelson moved to return to the Public Hearing. Mrs. Nakian seconded the motion and it passed with the eligible members present voting, 5-0 (Mills, Michelson, Cosentini, Nakian and Parson).

PUBLIC HEARINGS

1. **APPL. 212-16 – YALE & TOWNE SPE, LLC, 110 Towne St, Text change,** to Amend Article III, Section 9k(5)(b) to allow hotel FAR and hotel units to be converted to additional residential FAR and/or residential units with Zoning Board approval.
2. **APPL. 212-17 – YALE & TOWNE, SPE, LLC, Amended GDP, Final Site & Architectural Plan and Coastal Site Plan Review (CSPR),** Requesting a GDP amendment, Final Site and Architectural Plans and Coastal Site Plan Review to develop a new five-story building with 102 housing units, 17,600 s.f. office space and associated parking and landscaping and which also includes preservation of an existing historic structure. Block Y1 is part of the mixed-use Yale & Towne development at 110 Towne St. and is located in the SRD-N district.

Mr. Mills opened the Public Hearing on these applications. He continued the Public Hearing on these applications to the next meeting scheduled for December 10, 2012.

Due to the lateness of the hour, Mr. Mills adjourned the meeting at 11:12pm.

Respectfully submitted,

Maria Nakian, Secretary
Stamford Zoning Board